

Board of Respiratory Care Minutes

Date: June 25, 2010

Time: 9:00 C.S.T.

Location: Iris Conference Room, Ground Floor
227 French Landing Drive
Heritage Place, Metro Center
Nashville, TN 37243

Members Present: Candace Partee, Chair
Gene Gantt
Teresa Hatcher
Delmar Mack, Ed.D.
Colleen Schabacker
Jeffrey McCartney, MD

Member(s) Absent Roger Major, Secretary

Staff Present: Marva Swann, Board Director
Mary Webb, Board Administrator
Anthony Czerniak, Assistant General Counsel
Elizabeth Miller, Director, Health Related Boards
Juanita Stone, Disciplinary Coordinator
Alison Cleaves, Deputy General Counsel

Guests Present: John Williams, Tennessee Society for Respiratory Care
Mike Harkreader, Director, Tennessee Professional Assistance Program

With a quorum being present, Candace Partee, Chair, called the meeting to order at 9:15 a.m.

Office of General Counsel

Rules

The following proposed rule is ready for vote to send to Rulemaking Hearing:

1330-01-.24 Credentialing Respiratory therapists to Provide Polysomnographic Services
Pursuant to T.C.A. §63-31-107(a)(5)

The following amended rules went into effect on May 23, 2010:

Rule 1330-01-.02 Scope of Practice

Rule 1330-01-.12 Continuing Education

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Rule 1330-01-.15 Disciplinary grounds, actions and civil penalties
Rule 1330-01-.19 Board Officers, Consultants, Records, Declaratory Orders, Advisory Rulings,
Subpoenas and Screening Panels

Litigation

Currently there are six (6) open disciplinary cases pertaining to the Board of Respiratory Care in the Office of General Counsel

Emergency Rules

July 1, 2010 is the statutory deadline for establishing rules regarding a pathway for respiratory therapists to become credentialed to deliver polysomnographic services. This deadline requires the filing of emergency rules pursuant to T.C.A. §4-5-208(5). Ms. Schabacker made a motion seconded by Dr. McCartney to approve the rules that are attached hereto with an amendment to 1330-01-.24(1)(c)3.(v) to read "Implementation of the applicable treatment procedures according to lab and center policy and procedure". The motion carried by roll call vote. The application for respiratory therapists to be credentialed will be added to the Board of Respiratory Care's website when the rules become effective.

When effective, the emergency rules will be December 27, 2010 necessitating a rulemaking hearing before that deadline. Ms. Schabacker made a motion seconded by Mr. Gantt to hold a rulemaking hearing at the Board's next meeting on August 19, 2010. The motion carried.

Consent Orders

- A. **Cynthia D. Cook, CRT license #1912**—Mr. Czerniak presented a Consent Order for Cynthia D. Cook. Ms. Cook due to a violation of T.C.A. §63-27-112(a)(2),(3) and (4). She has consented to her license being placed on probation for a period of not less than five (5) years from the date of entering into a Tennessee Professional Assistance Program (TnPAP) contract. She is also agreed to pay three (3) Type A civil penalties in the amount of five hundred dollars (\$500.00) each for a total of one thousand five hundred dollars (\$1500.00) plus one Type B civil penalty in the amount of five hundred dollars (\$500.00) in addition to paying the costs of this action not to exceed one thousand dollars (\$1000.00). After discussion, Dr. Mack made a motion seconded by Dr. McCartney to approve the Consent Order as presented. Ms. Partee recused herself. The motion carried.
- B. **Bob Neely, RRT license #1275**—Mr. Czerniak presented a Consent Order for Bob Neely. On May 22, 2008, an Order was entered against Mr. Neely requiring him to sign a contract and maintain advocacy with the Tennessee Professional Assistance Program (TnPAP). He failed to do so, which was a violation of §63-27-112(a) (5). Mr. Neely has consented to his license being suspended for a period of not less than thirty (30) days and/or until he has obtained the advocacy of TnPAP after such time his license will be placed on probation for a period of not less than three (3) years and/or until he has fulfilled the requirements of his contract with TnPAP. He is also required to pay the costs of this action not to exceed one thousand dollars (\$1000.00). After discussion, Mr. Gantt made a motion seconded by Dr. Mack to accept the Consent Order. Ms. Schabacker recused herself. The motion carried.

Approval of Minutes

Ms. Schabacker made a motion seconded by Dr. Mack to approve the minutes of the February 4, 2010 meeting as amended. The motion carried.

Ms. Schabacker made a motion seconded by Mr. Gantt to approve the minutes of the February 4, 2010 taskforce meeting as presented. The motion carried.

Investigation and Disciplinary Reports

Juanita Stone, Disciplinary Coordinator, presented the Investigative and Disciplinary reports. There were nine (9) RRT complaints. Four (4) were closed; three (3) by referral to the Office of General Counsel and one (1) with no action, leaving five (5) open complaints. There were three (3) CRT complaints. Two (2) were closed, one (1) with a letter of warning and one (1) with referral to the Office of General Counsel leaving one (1) open complaint. There are nine (9) RRT's, thirteen (13) CRT's, and one (1) RCA currently being monitored after Board discipline.

Tennessee Professional Assistance Program (TnPAP) Report

Mike Harkreader, Director of Tennessee Professional Assistance Program (TnPAP), submitted the report for the period of July 1, 2009 through March 31, 2010. Seven (7) practitioners were being monitored. There were ten (10) referrals, six (6) from the Board and four (4) from the employer. One (1) evaluation recommendation is pending and four (4) signed monitoring agreements. Five (5) referrals were made for history of arrest/illegal drug use/DUI, three (3) for substance abuse/dependence, one (1) for a positive drug screening in the workplace and one (1) for unprofessional conduct.

During this period, five (5) practitioners were discharged from the program, one (1) because monitoring was deemed unnecessary, one (1) because of successful completion of the monitoring agreement and three (3) because of refusal to enroll. These were reported to the Department of Health.

TnPAP Contract

The Board voted to approve amendments to the TnPAP contract attached hereto.

Suspension of Licensees Who Default on Student Loans

Alison Cleaves, Deputy General Counsel, proposed that the Board, pursuant to T.C.A., §63-1-141 authorize Health Related Boards to suspend a license after notification from the Tennessee Assistance Corporation ("TSAC") that the licensee has defaulted on a student loan. After discussion, Dr. Mack made a motion seconded by Mr. Gantt to approve. The motion carried.

Applicant Interview/File Review

- A. **Regenea McMillan**—Ms. McMillan appeared before the Board due to a DUI conviction. After interview and discussion, Dr. Mack made a motion seconded by Dr. McCartney to approve Ms. McMillan's application for licensure as an RRT pending completion of her probation for the offense. The motion carried with one dissenting vote.
- B. **Kelly Keough**—Ms. Keough was not present. Her application was presented to the Board due to a DUI conviction. After review and discussion, Ms. Schabacker made a motion seconded by Dr. Mack to approve Ms. Keough for licensure as an RRT pending an evaluation by TnPAP and her compliance with any TnPAP recommendations. The motion carried.

Ventilator Task Force

The Board of Nursing reviewed the Checklist for LPN's at their last Board meeting and designated Carol Thompson to communicate to the task force committee the sense of the Board. Health Care Facilities will have a rulemaking hearing in September 2010 regarding ventilator procedures in long term care. The ventilator task force will meet before the next Respiratory Care meeting in August.

Correspondence

- A. **Jeff Smithern**, Director of Respiratory Care at Rockcastle Regional Hospital and Respiratory Care Center in Mt. Vernon, KY and **Janet Voght**, a member of the Kentucky Board of Respiratory Care submitted inquiries as to whether out of state respiratory therapists are allowed to treat their respiratory patients while the patients are temporarily in the state of Tennessee without obtaining a Tennessee license. The Board was of the opinion that anyone practicing respiratory care in the State of Tennessee must have a Tennessee license. Any exceptions would require a statutory change. Mr. Czerniak will draft letters to Mr. Smithern and Ms. Voght informing them of the Boards opinion.
- B. **Luanna J. Warden RRT**, submitted a request to have the continuing education requirements waived for the years 2008 and 2009 due to hardship. After discussion, Ms. Schabacker made a motion seconded by Dr. Mack to deny the waiver of continuing education requirements. The motion carried.

Ratifications

A motion was made by Mr. Gantt and seconded by Ms. Schabacker to approve the following lists of initial and reinstatement applications for licensure. The motion carried.

REGISTERED RESPIRATORY THERAPISTS

NEW LICENSES

AMY SUTHERLAND ANTHONY
PAUL E BAKER
CHARLENE CHRISTIAN BARNES
CHASE A BARTON
MICHELLE NICOLE BERAUD

PATRICK GERAD BONIN
JOHN E BORGEN
BRITTANY MICHELLE BRANCH
VIVIAN KAY BROWN
APRIL DIANNE BURGAN

TANDIWE MARUVA CALVIN
MISTY REGINA CAPERTON
RACHELL ELIZABETH CARROLL
WENDY MARIE CLEM
MICHAEL JAMES COCAN
MEREDITH ALLISON COMER
REBEKAH STRANGE CROWE
MISTY ANN CROWLEY
SHAREKA HOLBERT DALTON
KRYSTAL ANAHI DELAGARZA
HOLLIE WOODARD DICKERSON
KAYLA G DINGUS
ERICA ALICESON DOYLE
KATHERINE NEAL ESSARY
REGINALD LAJUAN EVANS
JASON S FALIN
CHARLES MATTHEW GAILBREATH
MARTHA ANNA GAMBRELL
ALEXANDRA MAXEY GARNER
DANIEL OSBORNE GARRETT
SURESH R GHODASARA
REBECCA PAULINE GORDON
JAMES DOMENIC GRIECO
RHONDA SUE HALCOMB
JUSTIN ALLEN HALL
WESLEY MICHAEL HARRINGTON
ANGELA ROSE HOLLAND
NATALIE JEAN HOWARD
KYUNG ANNETTE KOH HWANG
LYNN SHUTTLE ICE
JENNIFER MICHELLE IRBY

MYIESHA RENEE JACKSON
STEPHANIE SMITH JAMES
JEFFREY DAVID JOHANSEN
REBECCA J JOHNS
BRANDON SHEAN JOHNSON
LINDA JOHNSON KEYES
MELANIE HARRINGTON KIMMEL
MELANIE HERREN LAWS
JAMES LENUS LEDFORD
CARLA THERRIEN LEE
PAULA WIDNER MANNING
ADAM TRAVIS MCFALL
DENISE SUZANNE MCMURRAY
JANAE' MONIQUE MOSBY
BRYAN COLBY MULLINS
JAMES WESLEY MULLINS
JAMES ARNOLD NEWMAN
JAMES SHANNON PRIDE
TERRY PAUL RING
STEVEN DERRICK ROACH
MARKTHOMAS O ROGERS
REBEKAH RAE SELF
BRANDON ULYSSES SEXTON
LORENA A SHORT
TASHA DANIELLE SIMPSON
AMANDA MICHELLE SKALKA
JEFFREY W STEINBARGE
CHARM DONIELLE SULLIVAN
MARY JEANNETTE VARNADO
AMY LEE WILLIAMS
WESLEY JOE YOUNG

REINSTATEMENTS

LANA SEAL COUNTS
SHERRY LYNN DAILEY
GORDON DUNNING TOWNSEND

CERTIFIED RESPIRATORY THERAPISTS

NEW LICENSES

JENNIFER BURCHFIELD AIKEN
MAGGIE AUSTIN BANNER
KAYLA VON BASS
MELISSA NICOLE BRASFIELD
JILLIAN VARNER BULLOCK
JUDITH M CALLISON
BARBARA WRIGHT CHRISTAL

KASEY RENEE CODY
ROXANNE PROFIT COLEMAN
AMANDA WHITTENBURG CONASTER
KEVIN MATTHEW COOPER
APRIL STOKES CROWELL
FALLON MICHELLE DUKES
FRANCIS SNOWDEN DURANT II

JESSICA ALANE FARMER
 BRITTANY TANEILLE FISHER
 APRIL RENEE FRASER
 LAUREN MICHAEL GARDNER
 ANGELA BARTLETT HICKS
 MELISSA DANIELLE HOLMES
 PATSY OSBORN HORNE
 DANIEL JACK HUGHES
 CHRISTINA PERKINS HUNTER
 ANDRESS FRANCES JONES
 JENELE FORT JONES
 JACQUELINE LESTER KIDD
 KATHRYN LYNNE LARKINS
 CYNTHIA ANN LEWIS
 CARIE LYNN LOISEL
 JOHNNY RAY LOVELAE
 LAUREN KINDER MCCRAY
 BRIDGET ANNA MCCULLOUGH
 GWEN LOUISE MOORE

STACEY HUCKEY MORRIS
 SHANNON ROSE OSBORN
 JESSE AARON OSBORNE
 HETAL B PATEL
 SHEILA BURGESS PISCHKE
 CORIL LA MARCELLA PYLE
 KRISTINA RENEE RANDOLPH
 WENDELL CRAIG REED
 TAMMY WILLIS SARAS
 JULIUS M SEMAFUMU
 LINDSEY JACKSON SHARP
 KIMBERLY ANN SPEEGLE
 JUSTIN DWAYNE STACY
 DOROTHY NICOLE STURGILL
 ANTHONY SCOTT TURNER
 JIMMY ROSCOE WAMBLES
 BRANDI LYNN WATSON
 AMY KAITLIN WITHERS

REINSTATEMENTS

ERIKA SHAE BARNETT
 JAMES BRIAN JESSEE
 JESSICA ANN MAYES

TABITHA ANDREA NEAL
 KENYA JEMISE SPROUSE
 JOANMARIE THACKRAH

Administrator's Report

As of February 1, 2010 the numbers of active licensees were:

- RRT—2625
- CRT—1802
- RCA—23

Board activity totals from February 2, 2010 through May 31, 2010

RRT	CRT
New licenses—73	New licenses—52
Reinstated—3	Reinstated—6
Retired—9	Retired—15
Failed to Renew—26	Failed to Renew—67 (3 upgraded to RRT)

728 practitioners renewed during this period with 473 renewing online.

Board Members

Dr. Jeffrey Paul McCartney joins the Board as the physician member. He replaces Dr. Darryl Jordan. The Hospital Administrator position is still vacant. All other positions are filled.

Financial Report

For the fiscal year 2009, the Board had total revenue of \$342,149.74 with expenditures of \$185,388.63 resulting in a net balance of \$156,761.11. Revenue collections as of March 31, 2010 were \$265,544.75. The Board will receive updated information regarding its finances at each meeting to enable it to make timely decisions concerning financial matters.

NBRC State Licensure Liaison Group Meeting

The Board voted to send Ms. Swann as Tennessee's representative to the Annual National Board of Respiratory Care Liaison Group meeting to be held in Olathe, Kansas on August 27-28, 2010.

2011 Board Meeting Dates

February 10, 2011
May 12, 2011
August 11, 2011
November 10, 2011

Adjournment

There being no further business, the meeting was adjourned at 11:35 a.m.

These minutes were ratified at the August 19, 2010 meeting.

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Department of Health
Notice of Rulemaking Hearing
Board of Respiratory Care
Division of Health Related Boards

Chapter 1330-01
General Rules and Regulations Governing Respiratory Care Practitioners

New Rule

1330-01-.24 Endorsement of Respiratory Therapists to Provide Polysomnographic Services

- (1) In order for a licensee of this Board to practice polysomnography without obtaining licensure from the Polysomnographic Professional Standards Committee, the licensee must obtain an endorsement from this Board. In order to obtain an endorsement, a licensee shall provide this Board with the following:
 - (a) A completed and signed polysomnographic services endorsement form, as approved by this Board; and
 - (b) Proof of possessing a valid, active, and unrestricted license as a Registered Respiratory Therapist or Certified Respiratory Therapist, issued by this Board; and
 - (c) One of the following:
 1. Certification by the National Board of Registered Polysomnographic Technologists as a registered polysomnographic technologist; or
 2. Certification by the National Board of Respiratory Care as a sleep disorder specialist; or
 3. Proof of completion of the Sleep Center or Lab Competency Checklist, as approved by this Board, signed by both the director of the sleep lab and medical director from a current employing facility, verifying a minimum of one hundred (100) hours in a sleep lab, and outlining competency relative to the following topics, which include, but are not limited to:
 - (i) Patient safety, rapport, preparation, education and confidentiality;
 - (ii) Setup, function, calibration, operation and maintenance of all relative equipment;
 - (iii) Monitoring, recording, and analysis of physiologic data as defined under T.C.A. §63-31-101(9)(a)(i);
 - (iv) Appropriate corrective and emergency procedures as appropriate, according to center policies; and
 - (v) Implementation of the applicable treatment procedures according to center policy and procedure.

Authority: T.C.A. §§ 63-31-107 and 63-27-104

Respiratory Care

Delete the following section in its entirety.

A.3. Scope of Services

- (16) In addition to the written policy and procedures manual defined in Section A.3.(e), a separate education services program manual must be maintained.

Justification: In lieu of personal presentations to large groups, TnPAP is now utilizing online learning.

Current language

A.3. Scope of Services

- (f) (2) Informing clients of rights – Acknowledgment.

The director or designee of the program shall inform a program participant who is admitted for assistance under the provisions of this Grant, outlining in simple, non-technical language all rights accorded to clients by the provisions of this Grant. Each such statement shall also be provided to the participant in writing at the time of admittance. The participant shall sign on the line provided for his/her signature, acknowledging that he/she has been verbally informed of his/her rights. The participant's signature shall be acknowledged by at least one (1) witness.

Recommended replacement language

- (f) (2) Informing clients of rights – Acknowledgment.

Each program participant who is admitted for assistance under the provisions of this Grant, shall be notified, in writing, in simple, non-technical language all rights accords to him/her by the provisions of this Grant. The participant shall sign on the line provided for his/her signature, acknowledging that (s)he has been informed of her/his rights.

Justification: Participants are no longer required to travel to Nashville for an orientation prior to signing the monitoring agreement.